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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,456	06/15/2000	Shawn D. Abbott	30074.27US11	8669

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EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 10/06/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/594,456

Applicant(s)

ABBOTT ET AL.

Examiner

Jenise E Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson (EP 0936530) in view of Gabrielle.
3. As per claim 1, Benson discloses a compact personal token (i.e. dongle, 1101) (see col. 24, lines 8-10), a USB-compliant interface releaseably coupleable to a host processing device operating under command of an operating system; a smartcard processor having a smartcard processor-compliant interface for communicating according to a smartcard input and output protocol, and interface processor (see col. 6, lines 38-45, 56-57, col. 7, lines 1-5), communicatively coupled to the USB-compliant interface and to smartcard processor-compliant interface, the interface processor implementing a translation module for interpreting USB-compliant messages into smartcard processor-compliant messages and for interpreting smartcard processor-compliant messages into USB-compliant messages (see col. 4, lines 4-23, col. 24, lines 8-16).
4. Benson does not disclose a USB-compliant interface; however, Gabrielle teaches a USB-compliant interface, such as a USB port. It would have been Obvious to one of ordinary skill in the art to include the USB-compliant interface of Gabrielle in the Benson system, the motivation to have a USB-compliant interface is that USB can transfer data quicker than a serial or parallel

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port, and is "hot swappable" plug-and-play, allowing consumers to alter the configuration of their computers without using ports specific to any one peripheral; up to 127 devices can be daisy-chained using USB ports, including parallel device that can be link to a USB port via a dongle device.

5. As per claim 2, Benson discloses the interface processor emulates a smartcard reader to the smartcard processor(see col. 3, lines 22-26, col. 4, lines 14-23, col. 6, lines 38-41) .

6. As per claims 3, 9, Benson discloses the host processing device includes a virtual smartcard reader in communication with the operating system(see col. 4, lines 14-23), the virtual smartcard reader for emulating a smartcard reader communicatively coupled to the host processing device(see col. 6, lines 39-44) and including a communication module for packaging messages for transmission to the personal token via the compliant interface according to a first protocol, the Examiner asserts that Benson inherently discloses this, because Benson discloses a virtual smart card reader that is a virtual hardware acting as a emulator that passes information to and from a virtual smart card(see col. 9, lines 38-41) and for unpackaging messages received from the personal token via the compliant interface according to the first protocol, and the interface processor translation module unpackages messages from the host processing device according to the first protocol(see col. 24, lines 8-16).

7. As per claims 4, 10, Benson inherently discloses wherein the virtual smartcard reader includes a boot up module for responding to an operating system bootup procedure with an indication that a smartcard reader is communicatively coupled to the host processor(see col. 24, lines 8-16).

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8. As per claims 5, 11, Benson inherently discloses wherein the virtual smartcard reader includes an answer-to-reset module for providing an ATR message to the operating system in response to a reset message, because Benson discloses a smart card(see col. 7, lines 49-51). The Examiner asserts that smartcards have answer-to-reset module.

9. As per claims 6, 12, 17, wherein the virtual smartcard reader includes a reporting module for receiving and reporting the insertion of the personal token(see col. 24, lines 8-14), communicatively coupled to the host processor and the removal of the personal token as a removal of a smartcard from a smartcard reader(see col. 13, lines 41-53, col. 23, lines 35-37, col. 24, lines 18-22).

10. As per claims 7, 13, 18, Benson inherently discloses wherein the virtual smartcard reader includes a protocol selection module for receiving a protocol type selection command from the operating system and providing a PTS response message to the operating system, because Benson discloses that the virtual smart card can be inserted into different machines(see col. 3, lines 30-37). Therefore, the Examiner asserts that since Benson discloses that the virtual smart card can be inserted into different machines, that there is a protocol selection module.

11. As per claim 8, Benson discloses a processor, a memory, communicatively coupled to the processor, the memory storing processor operating commands implementing an operating system, and a virtual smartcard reader module stored in the memory and in communication with the operating system, for emulating at least one smartcard reader to the operating system(see col. 6, lines 39-41, col. 7, lines 33-45).

12. As per claim 14, rejected under limitations already addressed(see claim 1 and 3).

13. As per claim 15, rejected under limitations already addressed(see claim 1 and 3).

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14. As per claim 16, Benson discloses accepting a startup query from the host computer operating system in the virtual smartcard reader; and providing an indication that a smartcard reader is communicatively coupled to the host computer to the host computer operating system(see col. 24, lines 8-16).

15. As per claim 19, Benson discloses a virtual smartcard reader emulator system, a first smartcard reader emulator, implemented in a host computer for emulating smartcard reader operations to the host computer(see col. 3, lines 29-35); and a second smartcard reader emulator, implemented in a personal key, for emulating smartcard reader operations to a smartcard-interface compliant personal key processor(see col. 4, lines 14-23, col. 24, lines 8-16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



September 27, 2003


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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